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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/712,352

11/14/2003

Koji Mackawa

8014-1070

1438

466

7590

08/11/2006

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EXAMINER

ENSEY, BRIAN

ART UNIT

PAPER NUMBER

2615

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/712,352

Applicant(s)

MAEKAWA ET AL.

Examiner

Brian Ensey

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 9 is/are rejected.
- 7) ☒ Claim(s) 7,8 and 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: The applicant should be consistent in naming element 9 (See page 4, line 2 “loudspeaker 6” and line 14 “loudspeaker 9” for example. Equation 1 on page, line 25 has a typographical error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is generally narrative and indefinite, failing to conform with current U.S. practice. It appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors. Specifically, it is unclear what “puts a lid such that the end portion is open” is describing. Claim 5, to which claim 6 depends from, already claims a lid covering the groove such that an end portion of the groove is open therefore, the examiner can not determine where this frame lid is put and what it covers.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Skrbina et al. U.S. Patent No. 4,943,109.

Regarding claim 1, Skrbina discloses an inner panel (14) comprising: an opening (62) to which a loudspeaker unit (64) is attached; a volume unit in which the loudspeaker unit is housed from the opening to form a closed space (closed space formed by the vehicle comprising at least the inner panel 14 and the outer skin 42, see figs 1a and 1b); and a groove (lower end of speaker opening 62, see Fig. 1a) passing through to the volume unit.

Regarding claim 2, Skrbina further discloses the groove is covered with a lid (back of electrical connector 66 which covers groove in loudspeaker opening 62 when assembled) such that an end portion of the groove is open.

Regarding claim 3, Skrbina further discloses a fixing unit (male portion of electrical connector 66 for holding the wire harness in place) for fixing a wire harness of the loudspeaker unit is attached to the lid.

Regarding claim 4, Skrbina discloses loudspeaker apparatus in which a loudspeaker unit (64) is attached to an inner panel (14), wherein the inner panel comprises: an opening (62) to which the loudspeaker unit is attached; a volume unit in which the loudspeaker unit is housed from the opening to form a closed space (closed space formed by the vehicle comprising at least the inner panel 14 and the outer skin 42, see figs 1a and 1b); and a groove (lower end of speaker

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opening 62, see Fig. 1a) passing through to the volume unit, the loudspeaker unit is housed in the volume unit, and a rear space of the loudspeaker unit in the volume unit is used as an acoustic volume unit of the loudspeaker unit (rear enclosed space form behind the speaker by panel 14 and skin 42 form an acoustic spacer for the back wave of the speaker since the back of housing unit 64 in FIG. 1a in open).

Regarding claim 5, Skrbina further discloses the groove is covered with a lid (back of electrical connector 66 which covers groove in loudspeaker opening 62 when assembled) such that an end portion of the groove is open.

Regarding claim 9, Skrbina further discloses a fixing unit (male portion of electrical connector 66 for holding the wire harness in place) for fixing a wire harness of the loudspeaker unit is attached to the lid.

Allowable Subject Matter

Claims 7, 8 and 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:

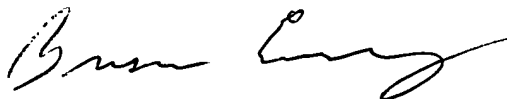
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Or faxed to:

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".
Hand-delivered responses should be brought to:

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian Ensey
Examiner
August 9, 2006